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UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
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October 4, 2006

Mr. Peter T. Dalleo, Clerk
United States District Court
J. Caleb Boggs Federal Building
844 King Street, Lockbox 18
Wilmington, DE 19801-3570

Re: Hassett v. Kearney, et al
D. Del. No. 1:05-cv-00609-JJF

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice of appeal and application for a certificate of appealability. It appears that the notice of appeal was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Insofar as the district court has denied a certificate of appealability, the Court of Appeals will retain a copy of the request for a certificate of appealability to be filed on our docket once the appeal has been filed. The notice was deposited in the institutional mail on September 26, 2006.

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures. If your office has already received the same document, please disregard the enclosed copy to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Hassett v. Kearney
Page Two

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Gayle Burr
Gayle Burr
Legal Assistant

Enclosure

cc: Mr. Robert W. Hassett, III #337363 (w/out enclosure)
Elizabeth R. McFarlan, Esq. (w/out enclosure)